

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS

IN RE:

Steve Mark Hilbert and Hope Ortiz
Hilbert
Debtor(s)

Case No. 08-42030
Chapter 13

**APPLICATION FOR PAYMENT OF
DIVIDEND FROM UNCLAIMED FUNDS**

Comes now the Claimant identified below to make Application for an Order authorizing payment of unclaimed funds now on deposit in the Treasury of the United States for the benefit of Claimant. Claimant was a creditor in the above captioned bankruptcy case and has not received payment of these funds which are due and owing to the Claimant. Claimant further states that Claimant is:

Name of Claimant: Cavalry Portfolio Services, LLC


Mailing Address:

500 Summit Lake Drive, Suite: 400
Valhalla, NY 10595-1340

and that a dividend in the amount of \$6,604.05 was awarded in this case to the Claimant, which dividend is currently unclaimed and held by the Clerk of Court.

Claimant certified under penalty of perjury that all statements made by Claimant on the Application and any attachments required for this Application are, to the best of Claimant's knowledge, true and correct. Accordingly, Claimant requests the Court to enter an Order authorizing payment of the pro rata dividend due upon this claim.

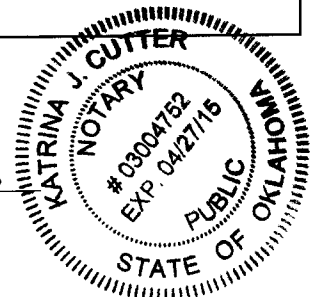
Date: August 29, 2013


Claimant's Signature
J. Armstrong Duffield, Attorney-in-fact for
Cavalry Portfolio Services, LLC
3855 South Boulevard Street, Suite 200
Edmond, Oklahoma 73013

State of Oklahoma

County of Oklahoma

Subscribed and sworn to before me this 29 day of August, 2013



CERTIFICATE OF SERVICE

In accordance with Title 28 U.S.C. Section 2042, the undersigned hereby certified that on the date designated below a true copy of this application with all required attachments was mailed to [check one as applicable].

XXXX For all cases in Beaumont & Lufkin divisions (five-digit case number beginning with 1 or 9):

Office of the United States Attorney
Eastern District of Texas
Attn: Unclaimed Funds Requests
350 Magnolia Avenue, Suite 150
Beaumont, TX 77701-2248

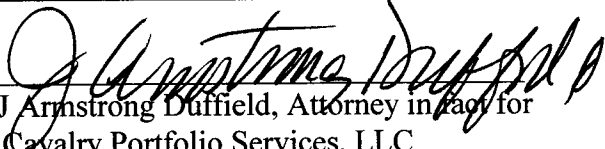
For all cases in **Marshall & Tyler** divisions (five-digit case number beginning with 2 or 6):

Office of the United States Attorney
Eastern District of Texas
Attn: Unclaimed Funds Requests
110 North College Avenue, Suite 700
Tyler, TX 75702-0204

✓ XXXX For all cases in Paris, Sherman & Texarkana divisions (five-digit case number beginning with 3, 4 or 5):

Office of the United States Attorney
Eastern District of Texas
Attn: Unclaimed Funds Requests
101 East Park Boulevard, Suite 500
Plano, Texas 75074-8858

Date: August 29, 2013


J. Armstrong Duffield, Attorney in fact for
Cavalry Portfolio Services, LLC
3855 South Boulevard Street, Suite 200
Edmond, Oklahoma 73013

LIMITED POWER OF ATTORNEY

Cavalry Portfolio Services, LLC, ("Principal") executes this Limited Power of Attorney with the intention that the attorney-in-fact named below shall be able to act in its place for the purposes and duration set forth below.

Principal appoints J. Armstrong Duffield of American Property Locators, Inc., 3855 S. Boulevard, Suite 200, Edmond, Ok 73013 to be its attorney-in-fact to act for it in its name and place, and in any capacity that Principal might act,

Only to recover cash or cash equivalents specifically arising from Steve Mark Hilbert and Hope Ortiz Hilbert bankruptcy matter that belong to the Principal and may be paid to the Principal after compliance with procedures of applicable laws (the "Unclaimed Funds").

This Limited Power of Attorney shall become effective on the date written below, and shall remain effective until the Unclaimed Funds are claimed and remitted to Principal.

Principal's attorney-in-fact shall have all of the powers, discretions, elections, and authorities granted by law (including the endorsement of any instrument of payment on behalf of Principal) in connection with the claim, execution, acknowledgment, and delivery of any and all documents necessary or connected with claiming and recovering for Principal the Unclaimed Funds. Principal authorizes the use of a photocopy of this Limited Power of Attorney, for any purpose, in lieu of the original.

DATED this 23 day of July, 2013

PRINCIPAL:

Cavalry Portfolio Services,
LLC

Tax ID# 01-1234086

By: Christian Parker
Christian Parker, General
Counsel

PRINCIPAL'S ADDRESS:

500 Summit Lake Drive, Suite: 400
Valhalla, NY 10595-1340

ACKNOWLEDGMENT

STATE OF New York
COUNTY OF Westchester

Before me, the undersigned a Notary Public, in and for said County and State on this 23 day of July, 2013, personally appeared Christian Parker to me known to be the identical person who subscribed his/her name to the foregoing instrument, as its EVP and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed of such corporation, for the purposes therein set forth.

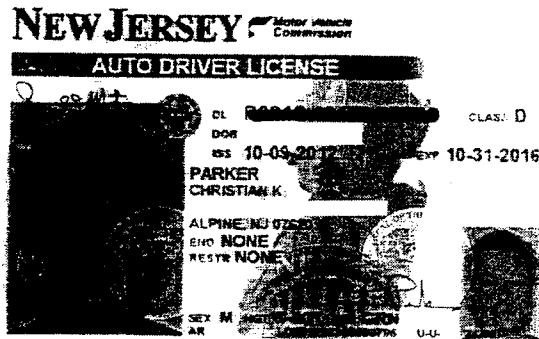
In Witness Whereof, I have hereunto set my official signature and affixed my official seal the day and year first above written.

My Commission Expires: _____

Notary

Stephanie Griffin

STEPHANIE GRIFFIN
Notary Public, State of New York
No. 01GR6259833
Qualified in Putnam County
My Commission Expires April 16, 2016



Christian K. Parker
Executive Vice President
General Counsel
Cavalry Portfolio Services, LLC
500 Summit Lake Drive
STE 400
Valhalla, NY 10595

914.347.3440 x13498
914.347.4907 Fax

cparker@cavps.com

www.CavalryPortfolioServices.com

Case 01-20121 Doc Filed 03/27/13 Entered 03/27/13 14:04:24 Desc Main Document Page 1 of 2

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

STEVE MARK HILBERT
XXX-XX-4958
411 FISHERMAN TRAIL
MELISSA, TX 75454

HOPE ORITZ HILBERT
XXX-XX-8423

DEBTORS

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CASE NO. 08-42030-R

CHAPTER 13

NOTICE TO DEPOSIT UNCLAIMED FUNDS


COMES NOW, Janna L. Countryman, the Standing Chapter 13 Trustee in the above numbered and styled case, filing this Notice to Deposit Unclaimed Funds, and in support thereof, would show the Court as follows:

1. Janna L. Countryman is the duly qualified and acting Trustee in this case, and files this Notice to Deposit Unclaimed Funds pursuant to 11 USC §347(a).
2. The Trustee has made distributions of the funds of this estate in accordance with the confirmed Chapter 13 Plan, the Trustee's Recommendation Concerning Claims, and/or the Bankruptcy Code. Some of the distribution checks have not been negotiated.
3. An amount has been reserved for the following creditor to whom previous checks were submitted without negotiation:

<u>Creditor</u>	<u>Ct Claim No</u>	<u>Reserve Amount</u>
CALVALRY PORTFOLIO	1	\$6,604.05

4. A turnover check payable to the Clerk of the United States Bankruptcy Court for \$6,604.05 is attached to this Notice.

Dated: 03/27/2013



Janna L. Countryman, TBN 04888050
Shelly Terrill, TBN 00794788
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice to Deposit Funds Into the Unclaimed Funds Registry of the United States Bankruptcy Court has been served upon the following parties in interest on the date set forth below by mailing a copy of same to them via first class mail.

STEVE MARK HILBERT
HOPE ORITZ HILBERT
411 FISHERMAN TRAIL
MELISSA, TX 75454


LEINART LAW FIRM
11520 N. CENTRAL EXPRESSWAY
SUITE 212
DALLAS, TX 75243-6608

CALVALRY PORTFOLIO
7 SKYLINE DRIVE, 3RD FLOOR
HAWTHORNE, NY 10532-2156

CALVARY PORTFOLIO SERVICES
ATTENTION: BANKRUPTCY DEPARTMENT
P. O. BOX 1017
HAWTHORNE, NY 10532

CAVALRY PORTFOLIO SERVICES LLC
500 SUMMIT LAKE DRIVE, SUITE 400
VALHALLA, NY 10595

Dated: 03/27/2013



Office of the Standing Chapter 13 Trustee

B10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF TEXAS		PROOF OF CLAIM
Name of Debtor: Steve M Hilbert		Case Number: 0842030-
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Cavalry Portfolio Services LLC as assignee of eCAST SETTLEMENT CORP. as assignee of MBNA Name and address where notices should be sent: CAVALRY PORTFOLIO SERVICES, LLC 7 SKYLINE DRIVE, THIRD FLOOR HAWTHORNE, NEW YORK, 10532 Telephone number: (914) 347-3440		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$9,902.39 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____
2. Basis for Claim: <u>MONEY LOANED</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>8178</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: % _____ Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Date: <u>08/20/2008</u> Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <div style="text-align: center;">/s/ Karen Borgatti, Bankruptcy Dept.</div>		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



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eCAST 04/04
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ASSIGNMENT

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Cavalry Investments, LLC, a Delaware limited liability company ("Assignor"), does hereby absolutely and irrevocably, with recourse, assign, transfer and convey to Cavalry SPV I, LLC, a Delaware limited liability company ("Assignee"), (a) all of Assignor's rights, title, interests and obligations under and with respect to the Receivables Sale Agreement dated as of April 13, 2004 by and between eCast Settlement Corporation and Assignor, as amended by Amendment No. 1 to Receivables Sale Agreement dated as of April 30, 2004 (as amended, the "Agreement") as such rights, title, interests and obligations relate to the Existing Receivables (as defined in the Agreement) and (b) all of Assignor's rights, title and interests in, under and to all Existing Receivables (as defined in the Agreement) and all Computer Files (as defined in the Agreement) purchased thereunder.

Assignee hereby accepts such assignment and transfer and hereby assumes all of Assignor's rights and obligations under the Agreement with respect to the Existing Receivables (as defined in the Agreement).

This Assignment shall be construed in accordance with the laws of the State of New York.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties have executed this Assignment as of this 10th day of September, 2004.

ASSIGNOR:

CAVALRY INVESTMENTS, LLC

By: 

Name: Michael S. Godner

Title: Executive Vice President
and Chief Financial Officer

ASSIGNEE:

CAVALRY SPV I, LLC

By: 

Name: Michael S. Godner

Title: Chief Financial Officer
and Treasurer

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BILL OF SALE AND ASSIGNMENT

The undersigned (the "Seller"), for value received and pursuant to the terms and conditions of the RECEIVABLES SALE AGREEMENT dated as of April 13, 2004, as amended by Amendment No. 1 to Receivables Sale Agreement dated as of April 30, 2004 (as amended, the "Agreement") between ECAST SETTLEMENT CORPORATION, as seller, and CAVALRY INVESTMENTS, LLC ("Purchaser"), does hereby sell, assign and convey to said Purchaser all right, title and interest of Seller to the Receivables described in Schedule A-1, Schedule A-2 and Schedule A-3 hereto, together with other evidence of indebtedness, if any, the right to all principal, interest, or other proceeds of any kind with respect to the Receivables. Capitalized terms used herein shall have the meaning set forth in the Agreement.

THIS BILL OF SALE IS EXECUTED WITHOUT RECOURSE, WARRANTY, OR REPRESENTATION, EXPRESS OR IMPLIED, except as otherwise provided in the Agreement.

Seller hereby authorizes Purchaser to use a copy of this Bill of Sale to evidence Seller's assignment of the Receivables to Purchaser on the date hereof.

Seller: ECAST SETTLEMENT CORPORATION

By: Timothy C. Stapleford
 Name: Timothy C. Stapleford
 Title: Executive Vice President

Date: April 30, 2004

STATE OF New York)
) ss.
 COUNTY OF New York)

This Bill of Sale was acknowledged before me on the 30th day of April, 2004 by Timothy Stapleford as Attorney-in-Fact on behalf of Seller.

My Commission Expires:

Notary Public in and for the State of

Frances Sacco

FRANCES SACCO
 NOTARY PUBLIC, State Of New York
 No. 01SA4880273
 Qualified In Queens County
 Commission Expires December 15, 2006

Creditor: (5190231)
Cavalry Portfolio Services, LLC
7 Skyline Drive, Third Floor
Hawthorne, NY 10532

Claim No: 1
Original Filed Date:
08/25/2008
Original Entered Date:
08/25/2008

Status:
Filed by: CR
Entered by: Karen Borgatti
Modified:

Amount claimed: \$9902.39

Unsecured claimed: \$9902.39

History:

Details **1-1** 08/25/2008 Claim #1 filed by Cavalry Portfolio Services, LLC, Amount claimed: \$9902.39 (Borgatti, Karen)

Description: (1-1) Cavalry Portfolio Services LLC as assignee of eCast Settlement Corp as assignee of MBNA

Remarks:

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LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that eCast Settlement Corporation ("Seller"), with respect to those certain purchased Receivables, described in that certain Receivables Sale Agreement dated as of April 13, 2004, as amended by Amendment No. 1 to Receivables Sale Agreement dated as of April 30, 2004 (as amended, the "Agreement") between Seller and Cavalry Investments, LLC ("Purchaser"), hereby names, constitutes and appoints Purchaser, any Third Party Owner, or any of their authorized agents, employees or representatives, its duly authorized attorney and agent with limited power and authority to (i) endorse checks and other negotiable instruments which may be received by Purchaser; (ii) transfer and obtain any evidence of ownership or Receivable Documents; (iii) settle any insurance claims or litigation and apply for any insurance, warranty or sales tax refunds; (iv) assign judgement and arbitration awards; and (v) to perform any and all acts relating to the Receivables which the undersigned was entitled to do as the owner of said purchased Receivables. Capitalized terms used herein and not otherwise defined herein shall have the meanings set forth in the Agreement.

EXECUTED this 30th day of April, 2004.

SELLER: eCast Settlement Corporation

By: Timothy E. Stapleford
 Name: Timothy E. Stapleford
 Title: Executive Vice President

STATE OF New York)
) ss.
 COUNTY OF New York)

This instrument was acknowledged before me on the 30th day of April, 2004 by Timothy Stapleford as Exec VP on behalf of eCast Settlement Corporation.

Frances Sacco
 Notary Public in and for the State of New York

FRANCES SACCO
 NOTARY PUBLIC, State Of New York
 No. 01SA4880273
 Qualified in Queens County
 Commission Expires December 15, 2006